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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,155	10/14/2005	Jan Brandt	915-001.58	5033

4955   7590   11/15/2007
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EXAMINER
BHATTACHARYA, SAM

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
11/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _24 August 2007_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-30_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-30_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _26 April 2005_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _see attached_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by JP9-312890

(hereinafter '890).

Regarding claim 1, '890 discloses positioning a mobile terminal, characterized in that it

comprises steps of: defining an executable function that is detectable by senses, forming a

functional instruction corresponding to the defined function for activating the defined function in

a mobile terminal, establishing a wireless short-range connection, and transmitting via the

established wireless connection the formed functional instruction, the function according to

which is arranged to be activated as a response to receiving the formed functional instruction.

See paragraphs 13 and 14.

Regarding claim 2, '890 discloses that the executable function is defined to be at least

one of the following: a flash pattern, a vibrating motion, a sound pattern or a visual effect

represented on the display screen. See paragraph 13.

Regarding claim 3, '890 discloses that as a response to receiving of an activation

command (201), a predetermined default function is activated. See paragraph 15.

Regarding claim 4, '890 discloses that in the functional instruction (201) there is defined an activation command for activating a function and a detailed instruction for executing the function. See paragraph 14.

Regarding claim 5, '890 discloses that the function and the respective functional instruction (201) are selectable from a menu displayed by a user interface of a mobile terminal, said menu comprising functions corresponding to functional instructions. See paragraph 16.

Regarding claim 6, '890 discloses that the function is defined by selecting a given function executable by the mobile terminal and by composing a functional instruction (201), on the basis of which the selected function is activated to be executed. See paragraph 14.

Regarding claim 7, '890 discloses that the function is defined by composing a functional instruction (201) for activating a function by means of input elements arranged in the mobile terminal. See paragraph 17.

Regarding claim 8, '890 discloses that a wireless short-range connection is established with several receiving mobile terminals simultaneously by the mobile terminal (202) establishing the connection. See paragraph 16.

Regarding claim 9, '890 discloses that the established wireless short-range connection (202) is a radio link established by the transmitting mobile terminal. See paragraph 14.

Regarding claim 10, '890 discloses a method for indicating the location of a mobile terminal, characterized in that the method comprises steps of: receiving in the mobile terminal via a wireless short-distance connection a functional instruction (204) for activating a function, and activating the function according to the functional instruction (205) in the mobile terminal as a response to receiving the functional instruction. See paragraph 13.

Regarding claim 11, '890 discloses that it comprises after the activation steps of checking whether the execution of the function according to the functional instruction is permitted, and if the execution of said function is permitted, executing (206) the activated function according to the functional instruction. See paragraph 13.

Regarding claim 12, '890 discloses that it comprises steps of receiving a functional instruction (204) including an activation command for activating a function and including a detailed instruction for executing the function, and as a response to receiving the functional instruction, activating the functions (205) according to the detailed instruction. See paragraph 14.

Regarding claim 13, '890 discloses that it comprises a step of replying to the received functional instruction by transmitting a response message as a response to receiving a functional instruction via short-range connection. See paragraph 15.

Regarding claim 14, '890 discloses that it comprises a step of requesting a confirmation from a user for transmitting a response message via short-range connection. See paragraph 17.

Regarding claim 15, '890 discloses that it comprises steps of prohibiting the execution of the function according to the functional instruction by recording the prohibition to execute at the device, and as a response to receiving a functional instruction (204) that is prohibited to execute, presenting a notice of receiving the functional instruction. See paragraph 16.

Regarding claim 16, '890 discloses it comprises steps of receiving an activation command (204) and as a response to receiving the activation command, activating a predetermined default function (205). See paragraph 14.

Regarding claim 17, '890 discloses an arrangement for positioning a mobile terminal, characterized in that the arrangement comprises means for defining a function, observable by

senses and executable, means for composing a functional instruction (106) defining an activation of the function in the mobile terminal, means for establishing a short-range connection (104), and means for transmitting the functional instructions via the established connection. See paragraph 15.

Regarding claim 18, '890 discloses that said arrangement comprises means for defining a flash pattern, a sound pattern, a vibrating motion and/or a visual effect presented on the display screen. See paragraph 15.

Regarding claim 19, '890 discloses that it comprises means for associating an activation command for activating a predetermined default function with the functional instruction (106). See paragraph 17.

Regarding claim 20, '890 discloses that it comprises means for adding a detailed instruction describing the execution of the function to the functional instruction (106). See paragraph 19.

Regarding claim 21, '890 discloses that it comprises a menu containing functions of the device and corresponding functional instructions in order to define the function and to form a functional instruction. See paragraph 17.

Regarding claim 22, '890 discloses that it comprises means for defining a certain function and means for composing a functional instruction, on the basis of which the defined function is activated. See paragraph 15.

Regarding claim 23, '890 discloses that the wireless short-range connection (104) is a radio link realized by bluetooth technique. See paragraph 18.

Regarding claim 24, '890 discloses an arrangement for indicating the location of a mobile terminal, characterized in that the arrangement comprises means for receiving a functional instruction (106) in the mobile terminal via a wireless short-range connection (104), and means for activating (101, 106) a function according to the functional instruction in the mobile terminal as a response to receiving the functional instruction. See paragraphs 13 and 14.

Regarding claim 25, '890 discloses that it comprises means for checking whether the execution of the function according to the functional instruction is permitted, and means (112, 113, 115, 116, 117) for executing the activated function, if the execution of said function is permitted. See paragraph 15.

Regarding claim 26, '890 discloses that it comprises means for receiving (106) a functional instruction including an activation command for activating a function and a detailed instruction for the function, and means for activating the function according to the detailed instruction, as a response to receiving the functional instruction. See paragraph 17.

Regarding claim 27, '890 discloses that it comprises means for rejecting the function according to the functional instruction and means for indicating the reception of the functional instruction as a response to receiving a functional instruction that is forbidden to execute. See paragraph 14.

Regarding claim 28, '890 discloses that it comprises means for requesting a confirmation from a user for transmitting a response message as a response to a received functional instruction, means for composing a response message and means for transmitting the response message as a response to a received functional instruction to a device from which the functional instruction was received. See paragraph 19.

Regarding claim 29, '890 discloses that it comprises means for requesting a confirmation from a user for transmitting a response message as a response to a received functional instruction. See paragraph 14.

Regarding claim 30, '890 discloses that it comprises means (106) for receiving an activation command for activating a function, and means for activating a predetermined default function as a response to receiving the activation command. See paragraph 15.

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hirayama (US 2002/0198006)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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